

UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
<p><u>BETTY SPARKS</u>, Administratrix of the Estate of <u>Johnny Lee Sparks</u>, deceased, Plaintiff,</p> <p>vs.</p> <p><u>ST. LOUIS-SANFRANCISCO RAILWAY</u> Corporation, a foreign corporation, and <u>MARION M. McPHERSON</u>, <i>dismissed</i> Defendants.</p> <p><u>REMOVAL from District Court of</u> <u>Creek County, Oklahoma.</u></p>				<p>For plaintiff: Edwin W. Ash, Stephen Smith P.O. Box 159 Okmulgee, OK 74447 756-2214</p> <p>For defendant: Ben Franklin <i>235-6478</i> 1717 Fidelity National Bldg. Oklahoma City, OK 73102 <i>301 N.W. 63</i> <i>Ste 600</i> <i>OC 673116</i> <i>840-9302</i></p> <p>DOERNER, STUART, SAUNDERS, DANIEL, & LANGENKAMP 1200 Atlas Life Bldg. Tulsa, OK 74103</p>			
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed <i>2-1-74</i>	Clerk		1-9-74	B. Franklin	15.00		
			1-10-74	C/D #26		15 00	
J.S. 6 mailed <i>12-1-74</i>	Marshal						
Basis of Action: Personal Injuries & Money Judgment.	Docket fee						
	Witness fees						
Action arose at: District Court, Creek Co., OK.	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-9-74	Petition for Removal, with copy of petition ^{and Answer} attached, filed. v	
1-9-74	Bond on Removal, filed. St. Louis-San Fran. Railway Co. is Principal, American Insur. Co. is Surety, both bound in the penal sum of \$500.00. v	
1-9-74	Certificate re: Notice of filing petition for removal, filed. v	
1-9-74	Mot. to Dismiss of Deft., Marion M. McPherson, filed. v	
1-9-74	Brief in Support, filed. v	
1-17-74	Mot. to Remand, filed by Pltf. v	
1-17-74	Response to Petition for Removal of Deft. St. Louis & San Francisco Corp. & Mot. to dismiss of Deft. Marion M. McPherson, filed. v	
1-22-74	Answer brief of defendant, St. Louis San Fran. RR Co. to plaintiff's motion to remand, filed. ds	
2-22-74	Summons returned and filed: served on The Corporation Company, Okla. City, Okla. on 2-20-74. (USM \$4.00) e	
4-1-74	Hearing held on motion to dismiss of deft. McPherson and pltf's motion to remand. Statements made. Court takes ruling under advisement and will enter an order on both motions. (LB-J)hm	
4-1-74	Ordered by the Court that deft. McPherson's motion to dismiss is sustained and pltf's motion to remand is denied. (LB-J)hm (letter written parties)	
6-4-74	Case set for pre-trial hearing 6-17-74 at 9:30 a.m. (LB-J)hm	
6-6-74	Exhibit to motion to dismiss of deft. McPherson, filed (being depositions of Leo B. Ruark and Marion M. McPherson). hm	
6-14-74	Ordered by the Court that this case is stricken from the Pre-Trial Docket of June 17, 1974. (LB-J)v	
6-24-74	Order denying motion to remand, filed and entered. (LB-J)hm (copies mailed)	
7-2-74	Order dismissing action against deft. Marion F. McPerson, filed and entered. (LB-J)hm (copies mailed)	
7-17-74	Case set for pre-trial hearing 7-25-74 at 9:30 a.m. (LB-J)hm	
7-25-74	Pre-trial hearing held. Parties represented. Statements made. Pltf. to prepare pre-trial order and case to be set for jury trial. (LB-J)hm	
9-27-74	Case set for jury trial 11-18-74 at 9:30 a.m. (LB-J)hm	
10-1-74	Pretrial order, filed. (LB-J)hm	
10-29-74	Applic. of deft. for order to clerk to issue subpoena duces tecum for Richard W. Prouty, filed. hm	
10-29-74	Order, filed, directing Clerk to issue a subpoena duces tecum for Richard W. Prouty, filed. (LB-J)hm (copies mailed) Subpoena issued 10-30.	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-74	Dep. of Dr. Donald L. Tutt taken before Ray Courtemache, CSR at Henryetta, Okla., 11-8-74, filed.jj	
11-18-74	Instructions requested by defendant, filed in open court. hm	
11-18-74	Case tried to a 6-man jury Nov. 18 & 19, 1974. Parties announce ready. Jury empaneled and sworn. Opening statements made. Pltf. presents case in chief with testimony of witnesses. Pltf's exhibits 1 thru 12 admitted. Certain stipulations made. Pltf. rests. Deft's motion for dismissal out of hearing of jury denied. Pltf. presents case in chief with testimony of witnesses. Deft's exhibits 1 thru 6 admitted (No. 4 withdrawn). Pltf. presents rebuttal evidence with test. of witnesses and rests. Deft. rests. Deft's renewed motion to dismiss and for directed verdict overruled. Closing arguments made. Instruction given by the Court. Jury retires to deliberate at 11:00 a.m. on 11-19-74 and returns with a <u>verdict for the defendant</u> at 2:20 p.m. 11-19-74. Verdict ordered received, read and filed in open court. Jury discharged. Deft. Counsel to prepare final order. (LB-J)hm	
11-19-74	Trial exhibits, filed. hm	
11-19-74	Instructions to the jury, filed in open court. (LB-J)hm	
11-19-74	Verdict, finding for the defendant, filed in open court. hm	
11-27-74	Order and judgment on verdict, filed and entered, that judgment be rendered in favor of deft. St. Louis-San Francisco Railway Co., and against pltf. & that said deft. is entitled to its costs in this action. (LB-J)hm (copies mailed)	
11-29-74	Motion of pltf. for new trial, filed. rm	
11-29-74	Brief in support of mo/new trial, filed. rm	
12-16-74	Case called for hearing on pltf's motion for new trial. Pltf. represented; deft. not represented. Statements made by pltf.counsel. Deft. counsel directed to file response. Court takes motion under advisement and will enter an order after response is filed. (LB-J)hm	
12-30-74	Defendant's response to pltf's mot. for new trial, filed. g	
1-3-75	Order overruling motion for new trial, filed and entered. (LB-J)hm (copies mailed)	
8-4-75	Appl. of Deft. St. Louis-San Francisco RR to w/draw exhibits offered at trial, fld. v	
8-4-75	Order, filed, that Deft. St. Louis, etc., is allowed to w/draw trial exhibits. (LB-J)v	
8-11-75	Testimony of Alma Lee Billbe and Jimmy David Staton, filed. lm	
8-13-75	Application of Plaintiff to withdraw trial exhibits, filed. g	
8-13-75	Order, filed, granting plaintiff leave to withdraw trial exhibits. (LB-J)g	
9-12-75	Testimony of Witnesses Leo Ruark, Richard Ward, Mary Ward, Charles Jones, Bob Gilbert, Lillian Collette and Donald Cowan, filed. lm	
3-4-83	DEPOSITION of Dr. Donald L. Tutt returned to deft counsel. hm	

DATE	PROCEEDINGS	Date Order or Judgment Note